

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 609

Introduced by Senator Romero

February 22, 2005

An act to ~~add Sections 1000.2 and 1000.3 to the Welfare and Institutions Code~~, relating to juvenile justice reform.

LEGISLATIVE COUNSEL'S DIGEST

SB 609, as amended, Romero. Juvenile justice reform.

Existing law establishes the California Youth Authority and related agencies that provide for the administration of the juvenile system, as specified.

This bill would set forth various findings and declarations and ~~require facility remodeling or closure, and the implementation by January 1, 2009, of clothing rules, housing size, facility rehabilitation and risk design, ward classification systems, staffing ratios and training requirements, and classroom and other standards~~ *express the intent of the Legislature to provide for the transfer of Youth Authority parole supervision and services from state to local governments.*

~~The bill would also require the transfer of all female wards, specify the planning process and require plans to be submitted to the Legislature every 6 months, and require the development of funding options. The bill would also revise the juvenile justice parole system to require individual reentry plans, as specified. The bill would impose a state-mandated local program by requiring a higher level of service of various county employees.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.~~

~~Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.
State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that the
2 current physical plant of youth correctional facilities in the
3 California Youth Authority has contributed substantially to the
4 system's inability to carry out its statutory purpose to increase
5 public safety and rehabilitate youthful offenders as specified in
6 Section 1700.

7 (1) National research has shown that physical environment,
8 including facility size, living unit size, and staffing ratios
9 correlate significantly with outcomes in institutional behavior,
10 success of specific treatment modalities, and recidivism.

11 (2) California already limits living unit size and prescribes a
12 much more intensive staffing ratio for juvenile facilities housing
13 a much less challenging group of youth than is handled by the
14 Youth Authority. Juvenile halls may not house more than 30
15 youth in living units, and must provide a daytime staffing ratio of
16 one staff for every 10 juveniles.

17 (3) National standards have long called for small living units.
18 The U.S. Department of Justice, Office of Juvenile Justice and
19 Delinquency Prevention, Standards for the Administration of
20 Juvenile Justice, Standard 4.2112 (1980), provided for living
21 units not to exceed 20 youth. More recently, the U.S. Department
22 of Justice, Office of Juvenile Justice and Delinquency
23 Prevention, Guide for Implementing the Comprehensive Strategy
24 for Serious, Violent, and Chronic Offenders (1995) found that
25 small living units reduce social density and thus enable residents
26 to avoid unwanted contacts with other juveniles. Also,
27 programming delivered in small living units involved more
28 personal contact with staff.

1 (4) California law limits other juvenile facilities, including
2 juvenile homes, camps, ranches, and forestry camps to no more
3 than 100 youth, or 125 youth in special situations, based on the
4 Legislature's stated belief that "juvenile ranches, camps, forestry
5 camps, and other residential programs should be small enough to
6 provide individualized guidance and treatment for juvenile
7 offenders which enable them to return to their families and
8 communities as productive and law abiding citizens."

9 (5) National standards have historically called for training
10 school facilities that do not exceed 100 youth in size.

11 (6) Even modest past efforts to lower the size of living units at
12 the Youth Authority have substantially improved rehabilitative
13 outcomes. In a pilot program during the 1960's and 1970's, the
14 Youth Authority Research Division found that slightly lowering
15 living unit size improved correctional management, advanced
16 treatment goals, and substantially reduced the rate of parole
17 violations after release. Similarly, reducing living unit size and
18 increasing interaction between wards and staff under the
19 Enhanced Casework Pilot Program beginning in 2002, resulted in
20 many fewer disciplinary infractions and less use of force by staff.

21 (7) The United States Department of Justice, Office of
22 Juvenile Justice and Delinquency Prevention, Guide for
23 Implementing the Comprehensive Strategy for Serious, Violent,
24 and Chronic Offenders (1995) has found that large facilities are
25 not cheaper, especially when capital costs and upkeep are
26 considered.

27 (8) The United States Department of Justice calls for staffing
28 ratio of one to eight in its corrective action plans for juvenile
29 facilities. This ratio was recognized and recommended for the
30 Youth Authority in the California Performance Review
31 Corrections Independent Review Panel.

32 (9) Other jurisdictions have moved away from the use of large
33 prison-like juvenile facilities because of similar crises, and
34 information is available from them about the redesign process
35 and outcomes.

36 (10) The Governor's Juvenile Justice Working Group (2004)
37 identified facility/living unit size and staffing as issues needing
38 further attention in the context of California juvenile justice
39 reform.

(b) Therefore, the Legislature declares that the Youth Authority facilities shall be redesigned, rebuilt, or remodeled, so that they may be adequately programmed and staffed to provide individualized guidance and treatment for juvenile offenders which will enable them to return to their families and communities as productive and law abiding citizens. The reformed system shall be consistent with public safety goals as specified in Section 1700.

(c) The Legislature finds and declares that the parole population of the Youth Authority has declined significantly in recent years and is projected to decrease from 3,800 cases statewide on June 30, 2005, to fewer than 3,500 parolees statewide by June 30, 2006. As the parole population has declined, the Youth Authority has found it increasingly difficult to provide optimum supervision and services to parolees statewide in a cost-effective manner. Local probation departments and courts already supervise large numbers of juvenile offenders and are better positioned to provide local and community supervision and programs to each ward released from the Youth Authority.

(d) It is the intent of the Legislature to provide for the transfer of Youth Authority parole supervision and services from state to local governments under the terms, provisions, and funding mechanisms described in this section.

~~SEC. 2. Section 1000.2 is added to the Welfare and Institutions Code, to read:~~

~~1000.2. (a) On or before February 1, 2006, the N.A. Chaderjian Youth Correctional Facility in Stockton, California, shall no longer be used as a juvenile facility. The Youth and Adult Correctional Agency, Board of Corrections, and Youth Authority shall develop a plan for its closure on or before January 15, 2006. The Governor may, by executive order, and upon a declaration that there is a public safety emergency which necessitates the use of N.A. Chaderjian as a juvenile facility, extend the closure date by a period not to exceed three months. Under no circumstances shall N.A. Chaderjian be used as a juvenile facility after May 2006.~~

~~(b) On or before January 2009, the Youth and Adult Correctional Agency, Board of Corrections, and the Department~~

1 of the Youth Authority shall implement a Youth Authority
2 system with the following characteristics:

3 (1) Youths shall be allowed to wear their own clothing; under
4 no circumstances may youth be allowed to wear clothing in the
5 manner of prison uniforms.

6 (2) Facilities shall be composed of stand-alone housing for no
7 more than 40 youth.

8 (3) Facilities shall be established ranging from relatively low
9 risk to high risk, to permit classification, as well as any facilities
10 as are needed for specialized mental health treatment.

11 (4) The Youth Authority shall adopt a classification system
12 that assesses the treatment needs and risk factors of the wards.

13 (5) Facilities shall be designed to reflect the rehabilitative
14 goals of the system, through providing a safe and supportive
15 homelike environment pursuant to Section 851.

16 (6) Program and length of stay shall be designed to provide
17 habilitation, rehabilitation, and success in the community.

18 (7) Facilities shall be designed without disciplinary lockdown
19 units.

20 (8) Facilities shall provide sufficient school classrooms to
21 adequately provide for a range of educational needs and special
22 education services.

23 (9) Daytime staffing ratio of at least one staff for eight wards
24 shall be maintained, and sleeping time ratios of at least one staff
25 to 30 wards.

26 (10) Facilities shall be designed to serve youth within 50 miles
27 of their home, except in unusual circumstances.

28 (11) Programs shall provide on-site or in the community a
29 comprehensive aftercare component for all wards that includes
30 housing, school, or vocational day treatment, psychological and
31 counseling services, family counseling, and daily contact with a
32 caseworker.

33 (12) Staff with the background, experience, attitude, and
34 training to work intensively with youth in small facility settings
35 shall be recruited or retrained where necessary with existing staff
36 having the right to receive the appropriate training in providing
37 rehabilitative services to youth so they can be reclassified or the
38 option to transfer to the Department of Corrections so no
39 employee is displaced.

~~(e) The Youth and Adult Correctional Agency, Board of Corrections, and Youth Authority shall transfer all female wards to other appropriate county run facilities and provide a funding stream to counties to fully fund the transferred population.~~

~~(d) The Youth and Adult Correctional Agency, Board of Corrections, and Youth Authority shall immediately and permanently eliminate the 23 and one confinement of wards.~~

~~(e) The Youth and Adult Correctional Agency, Board of Corrections, and Youth Authority shall engage juvenile justice stakeholders in the planning process for the redesign of the Youth Authority. These stakeholders shall include, but not be limited to, juvenile court judges, public and private defenders, prosecutors, probation officers, county officials, and juvenile justice and mental health advocates. These agencies shall also consult with other jurisdictions that have undertaken this kind of redesign, including, but not limited to, Missouri, Maryland, Colorado, Texas, and Louisiana. Plans for the redesign shall be filed with the Legislature every six months.~~

~~(1) The purpose of this redesign shall be to decrease the population of the Youth Authority, close facilities, and redirect wards to county programs that are more suitable placements for rehabilitative purposes. To that end, the planning process shall include an assessment of the suitability of all existing county programs for treating and housing juvenile offenders including, but not limited to, health care, mental health, drug, alcohol, and other rehabilitative services.~~

~~(2) The planning process shall identify the small counties that do not have the capacity to house and treat juvenile wards and shall develop a plan for the most appropriate county for placement given the treatment and services necessary for the ward.~~

~~(3) The planning process shall also identify funding streams that shall be redirected to counties for the placement and treatment of wards.~~

~~(f) The Youth and Adult Correctional Agency, Board of Corrections, and Youth Authority and the Department of Finance shall develop and pursue funding options for the building or remodeling of facilities called for by the plan, including, but not limited to, private development and leaseback of existing Youth Authority land available through institutional closures.~~

1 ~~SEC. 3. Section 1000.3 is added to the Welfare and~~
2 ~~Institutions Code, to read:~~

3 ~~1000.3. (a) It shall be the policy of the State of California~~
4 ~~that each ward committed to the Youth Authority shall, upon~~
5 ~~release from the Youth Authority, have an individual reentry plan~~
6 ~~addressing the ward's needs in relation to supervision, public~~
7 ~~safety, housing, education, employment, health and mental health~~
8 ~~care, and related needs, and that local juvenile courts and~~
9 ~~probation departments shall have the primary responsibility for~~
10 ~~the implementation of each ward's reentry plan.~~

11 ~~(b) It shall further be the policy of the State of California that~~
12 ~~each ward committed to the Youth Authority shall be released to~~
13 ~~parole with sufficient control time remaining, prior to reaching~~
14 ~~the maximum confinement or maximum jurisdictional time in the~~
15 ~~case, so that the ward's individual reentry plan can be~~
16 ~~suecessfully implemented in the ward's community of release.~~

17 ~~SEC. 4. If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code. local governments.~~